

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL MILLER,)	
)	
Plaintiff,)	
)	C.A. No. 8-1435
Vs.)	
)	
NORTH BELLE VERNON)	
BOROUGH, et al.,)	
)	
Defendants.)	

ORDER OF COURT

In this action, in which a jury returned a verdict in favor of Defendants, Plaintiff has filed a Motion for JNOV, or in the alternative, for a new trial. Plaintiff's Motion rests on various grounds, including his inability to access documents held by his former counsel; alleged errors in evidentiary and other rulings by the Court; and mistakes made by the jury in assessing the facts and law placed before it. He requests that the Court grant him a judgment notwithstanding the verdict, or, if not, appoint him counsel, and apprise him of any conversations the Court may have had with his former counsel regarding the return of Plaintiff's materials. "[T]he standard for granting a JNOV is stringent." May v. Hobart Corp., 839 F. Supp. 309, 311 (E.D. Pa. 1993). In assessing a JNOV motion, "[a] court must view the evidence in the light most favorable to the non-moving party, and determine whether 'the record contains the "minimum quantum of evidence from which a jury might reasonably afford relief.'" Dorsett v. American Isuzu Motors, Inc., 805 F. Supp. 1212, 1216 (E.D. Pa. 1992). Similarly, "[a] court can only exercise its discretion to grant a new trial because the verdict was against the weight of the evidence when the failure to do so would result in injustice, or would shock the conscience of the court." Id.

Weighing the evidence is the province of the jury, and JNOV is inappropriate when the evidence is contradictory. Id.

Under these standards, Plaintiff is not entitled to a judgment notwithstanding the verdict or a new trial. In addition, he has not persuaded me that the appointment of counsel is warranted, or that the additional relief requested is appropriate under applicable standards and authority.

For these reasons, this 18th day of July, 2011, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion (Docket No. [180]) is DENIED.

BY THE COURT:

s/ Donetta W. Ambrose
Donetta W. Ambrose
United States Senior District Judge